

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
NORTHEASTERN DIVISION**

**CARRIE R. MCALISTER,**

**Plaintiff,**

**vs.**

**BLAKE DORNING, as Sheriff;  
BLAKE DORNING, as an  
Individual; and DAMIEN  
TURNER,**

**Defendants.**

**Civil Action No. 09-S-00802-NE**

**ORDER**

In accordance with the memorandum opinion entered contemporaneously herewith, the motion to dismiss filed by defendant Sheriff Blake Dorning on April 24, 2009, is GRANTED as to Count Four of the complaint, but DENIED in all other respects.<sup>1</sup> Count Four of the complaint is DISMISSED as to ALL defendants with prejudice. The motion to dismiss due to plaintiff's failure to show cause filed by defendant Sheriff Dorning on May 29, 2009, is DENIED.<sup>2</sup> The motion to strike filed by defendant Sheriff Dorning on May 29, 2009, is DENIED.<sup>3</sup> Moreover, it is ORDERED that this action be, and the same hereby is, REMANDED to the Circuit Court of Madison County, Alabama, from which it was removed. The Clerk is

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<sup>1</sup> See doc. no. 2.


<sup>2</sup> See doc. no. 8.

<sup>3</sup> See doc. no. 7.

directed to send a certified copy of this order of remand to the Clerk of the state court.

Costs are taxed as paid, and the Clerk is directed to close this file.

DONE and ORDERED this 22nd day of December, 2009.

  
United States District Judge